

PUBLIC LAW 104-190—AUG. 20, 1996 110 STAT. 1933

(G) an employee covered by statutory reemployment rights who is on transfer to another organization: or

(H) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) **IN GENERAL.**—The Administrator, before obligating any resources for voluntary separation incentive payments under this Act, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) **CONTENTS.**—The agency's plan shall include—

(3) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(4) the number and amounts of voluntary separation incentive payments to be offered; and

(5) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(6) **IN GENERAL.**—A voluntary separation incentive payment under this Act may be paid by the agency to not more than 100 employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(7) **AMOUNT AND TREATMENT OF PAYMENTS.**—A voluntary separation incentive payment under this Act—

(8) shall be paid in a lump sum after the employee's separation;

(9) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(10) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of

title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed \$25,000;

(D) may not be made except in the case of any employee

who voluntarily separates (whether by retirement or resignation) before February 1, 1997:

(F) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee

may be entitled under section 5595 of title 5, United States Code, based on any other separation.